



## Lesotho

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Lesotho is a constitutional monarchy with King Letsie III as Head of State. Under the Constitution, the King fills a ceremonial role, has no executive authority, and is proscribed from actively taking part in political initiatives. Prime Minister Pakalitha Mosisili, the leader of the Lesotho Congress for Democracy (LCD) party, took office in June 1998 and is the Head of Government. In the May 1998 elections, the LCD won 79 seats in the expanded 80-member Parliament. The Basotho National Party (BNP) won the one remaining seat. More than 700 foreign and national election observers concluded that the election met international standards for a transparent, multiparty election; however, the Langa Commission, a group of election auditors from the Southern African Development Community (SADC), reported that while there was no evidence to substantiate charges of electoral fraud, mismanagement of polling data made it impossible to confirm that fraud did not occur. Opposition parties claimed that the election result was fraudulent and launched a prolonged and aggressive protest at the royal palace in Maseru in August 1998. Opposition leaders urged the King—who had staged a coup in 1994—to dissolve the newly elected Parliament and install a government of national unity on the basis of their claim that the LCD rigged the election. In September and October 1998, the armed opposition protesters used violence to destabilize the Government, disarm the police, intimidate workers and business owners, shut down government and business operations, and facilitate a junior officer rebellion in the army. The army rebels, who were armed, aligned themselves with the opposition protesters. This action resulted in a virtual coup and severely strained relations between the Head of State and the Government. The palace vigil and protests resulted in politically motivated killings, injuries, violence, arson, and destruction. These events also precipitated intervention by a SADC military task force in September 1998 to quell the army mutiny and return society to a state of law and order. In the past, the judiciary had been subject at times to government and chieftainship influence; however, there were no reports of the use of such influence during the year.

The security forces consist of the Lesotho Defense Force (LDF), the Lesotho Police Service (LPS), and the National Security Service (NSS). The Prime Minister is the Minister of Defense, with direct authority over the LDF and the NSS. The police force is under the authority of the Minister of Home Affairs. The 1996 Lesotho Defense Act, the 1997 Regulations for Military Justice, and the 1996 and 1997 amendments to the Royal Lesotho Mounted Police Force Act were designed to bring these services under direct civilian control. However, the politicized armed services have a history of intervening in the country's politics and government. The LDF continues to be the subject of a national debate on the structure, size, and role of the armed forces. The NSS and the LPS also are undergoing comprehensive restructuring. There were allegations that members of the security forces on occasion committed human rights abuses.

Lesotho, which has a population of approximately 2.15 million, is a landlocked country surrounded by South Africa and almost entirely dependent on its sole neighbor for access to the outside world. Approximately 13 percent of the adult male work force works in mines in South Africa. Miners' remittances are 17.5 percent of the gross national product (GNP). Real GNP grew by 1.7 percent in 2000, and inflation was 6 percent. Per capita GNP rose 0.9 percent in local currency terms in 2000 to approximately \$500 (3,785 maloti). State-owned enterprises predominate in the agroindustrial and agribusiness sectors, but private sector activity dominates in the small manufacturing and construction sectors. The 1998 opposition protest and SADC intervention resulted in a wave of political violence and arson that destroyed nearly 80 percent of the commercial infrastructure in Maseru and other towns and villages. Thousands of jobs were lost, and many entrepreneurs went bankrupt. Hundreds of millions of dollars in losses occurred. In the past 3 years, most of the damage has been repaired or reconstructed, and economic growth has returned. Under the traditional chieftainship structure, land use and tenure is controlled by the traditional chiefs and formally owned by the Kingdom (i.e., "crown lands").

The Government generally respected many of the human rights of its citizens; however, there continued to be

problems in some areas. There were unconfirmed allegations of torture by security forces, and credible reports that the police, at times, used excessive force against detainees. Prison conditions are poor, and lengthy pretrial detention is a problem. There are long delays in trials. Domestic violence was common, and women's rights continued to be restricted severely in some areas. Societal discrimination against persons with disabilities was common. Some worker rights were restricted. Child labor is a problem in traditional agriculture and the informal sector.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

During the 1998 opposition palace protest, violence between protesters and police, between antagonistic political factions, and between policemen and soldiers resulted in nine fatalities, including one police officer and eight civilians--four of whom were opposition supporters--and numerous injuries. These deaths resulted from gunshot wounds and fatal beatings sustained during enforcement actions and during violent clashes between political party supporters. Nine South African soldiers were killed while suppressing the September 1998 army mutiny. More than 50 LDF soldiers and 40 civilians allied with the opposition died in fighting with SADC troops. A total of 52 LDF personnel have been arrested and court-martialed for mutiny and high treason in connection with these events.

In 1999 the Government began investigating the 1994 palace coup and the alleged involvement of military personnel in the killing of the Deputy Prime Minister; 23 members of the LDF had been arrested and charged with involvement in the killing. Four of the soldiers were convicted in courts-martial for their role in the 1998 army mutiny. The trials for the killing of the Deputy Prime Minister were scheduled to resume in February 2002.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution expressly prohibits such practices, and the Government generally respects these provisions; however, there were credible reports that the police at times used excessive force against detainees.

Prison conditions are poor. Prison facilities are overcrowded and in disrepair. In 1998 Amnesty International representatives visited the LDF soldiers accused of mutiny being held in the maximum-security prison in Maseru and reported that conditions were poor. In 1999 the Judge Advocate ordered prison officials to improve conditions in the cells in which the soldiers were being held; conditions were improved as a result, and the Judge Advocate did not issue further orders. Women are housed separately from men, and juveniles are housed separately from adults. Rape in prison reportedly is not a problem. Pretrial detainees often are held with convicted prisoners.

Prison regulations provide for visiting committees that are made up of principal chiefs, church ministers, representatives of the business community, advocates of the High Court, and other citizens. These committees may visit any prison without the prior knowledge of the prison director, and generally are allowed to do so. The committee reports its findings to the prison director after every inspection. The International Committee of the Red Cross (ICRC), through its regional office in Botswana, visits prisons in the country twice a year to monitor prison conditions.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Pretrial detainees were a significant portion of the prison population. Because of serious backlogs of the court caseloads, the period of pretrial remand for some suspects can last months or even years.

In July 2000, a trial judge convicted 25 of the 33 RLMP members arrested in connection with a 1997 police mutiny on charges of sedition and contravention of the 1984 Internal Security Act (ISA) and sentenced them to prison for terms ranging from 1 to 3 years. In passing the sentences, the trial judge took into account the 41 months that the defendants had spent in prison prior to convictions, and their sentences were reduced accordingly. Eight of the convicted RLMP members were released due to lack of evidence. During the year, eight others also were charged and convicted for murder and kidnapping and received prison sentences ranging from 15 to 25 years.

The Government does not use forced exile.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in the past, magistrates appeared at times to be subject to government and chieftainship influence. There were no reports of such influence during the year.

The judiciary consists of the Court of Appeal (which meets semi-annually), the High Court, magistrates courts, and customary or traditional courts, which exist largely in rural areas to administer customary law.

The High Court also provides procedural and substantive advice and guidance on matters of law and procedure to military tribunals; however, it does not participate in arriving at judgments. Military tribunals operating under the 1996 Defense Act have jurisdiction over military cases only. Decisions by military tribunals can be appealed only to a special court-martial appeal court, which is composed of two judges from the High Court, one retired military officer with a legal background, and the registrar of the High Court.

Persons detained or arrested in criminal cases and defendants in civil cases have the right to legal counsel; however, there is no system to provide public defenders. The Ministry of Justice and the NGO community maintained a few legal aid clinics. The authorities generally respect court decisions and rulings. There is no trial by jury. Criminal trials normally are adjudicated by a single High Court judge who presides, with two assessors serving in an advisory capacity. In civil cases, judges normally hear cases alone. The law provides for granting bail, which the authorities grant regularly and generally fairly. There is a large case backlog, which leads to lengthy delays in trials.

In civil courts, women and men are accorded equal rights; however, in traditional and customary courts certain rights and privileges accorded to men are denied to women (see Section 5). When traditional law and custom are invoked in a court case, a male plaintiff can opt for customary judgments by a principal chief rather than a civil court, and the judgment is binding legally. This system greatly disadvantages women.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law does not protect fully citizens' privacy rights, but there were no reports that authorities infringed on citizens' privacy rights during the year. Although search warrants are required under normal circumstances, the ISA provided police with wide powers to stop and search persons and vehicles and to enter homes and other places without a warrant. There were no prohibitions against monitoring telephone conversations until 1999, when some restrictions were implemented. There were allegations in 1999 and 2000 that security forces monitored the telephone conversations of citizens and foreigners, ostensibly on national security grounds; however, there were no such allegations during the year.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. There are several independent newspapers—including one controlled by the Roman Catholic Church, one controlled by the Lesotho Evangelical Church, and four English-language weeklies—that routinely criticized the Government. The official state-owned or state-controlled media consist of one radio station, a 11/2 hour daily newscast on a local television channel, and two weekly newspapers. All faithfully reflect official positions of the ruling party. There are four private radio stations, but no private local television station. South African and global satellite television and radio broadcasts are available widely.

There is a lack of free access to government information, which often is described as a limitation on the free

press; however, there are no other barriers that affect press coverage of government activities.

Internet services were freely available from a number of private Internet service providers.

The Government does not restrict academic freedom. Although the Government owns and administers the country's only university, the academic staff represents the full political spectrum and is free to express its views.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of assembly and association, and the Government generally respects these rights in practice. A public meeting, rally, or march do not require prior police permission, only advance notification. Political party meetings and rallies were held regularly and without hindrance from the Government. In addition to the LCD, the Basotholand Congress Party (BCP), and the BNP, there were 14 smaller, registered political parties.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. There is no state religion, and no evidence that the Government favors any particular religion. However, the majority of the members of the Government are Christians, which reflects the religious composition of the country.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respects them in practice.

The law provides for the granting asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In 1994 the Government allowed approximately 25 refugees from Somalia and Uganda registered with the U.N. High Commissioner for Refugees to study in the country. They were expected to return to their countries of first asylum after completing their studies, but had not done so by year's end. Other than these students, there is no resident refugee population. The Government has provided first asylum; however, the issue did not arise during the year.

There were no reports of the forced return of persons to a country where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, in 1998 and 1993-94, there were post-election problems. The 1998 crisis was similar to that of the 1993-94 post-electoral period. In both cases, opposition party members alleged electoral fraud, suborned army supporters, sought the King's involvement, and effectively overthrew the elected Government. However, in 1998 the King did not take an active role in the opposition campaign, as he did in 1994, and, based on the 1994 Memorandum of Understanding, Prime Minister Mosisili asked SADC to intervene militarily to stabilize the situation.

In the 1998 elections, the LCD won 79 of 80 parliamentary seats. The BNP won the other seat. International observers concluded that the elections were free and fair and reflected the will of the voters. Despite opposition coalition claims, the Langa Commission, composed of international observers from four southern African countries, reported no definitive findings of vote rigging or fraud; however, post-election management of electoral and polling station data was poor. The Commission stated that the documentation was in such disarray that it could not prove that fraud had not occurred. This judgement encouraged the opposition to charge that errors short of fraud could have affected the results.

In October 1998, the LCD and the newly formed opposition alliance agreed to hold new elections within 2 years to resolve the ongoing political crisis. Local elections, scheduled to be held late in 1998, were postponed because of the 1998 crisis. Negotiations under SADC supervision resulted in the December 1998 establishment of the Interim Political Authority (IPA) with a mandate to prepare for new elections within 18 months (i.e., during the first half of 2000); however, the IPA made little progress in meeting its objectives. In February the IPA and the Parliament finally agreed to a mixed proportional electoral arrangement that was enacted by the required two-thirds majority in both houses of Parliament. This new system retains the existing 80 seats, which continue to be decided by a plurality voting system, but adds 40 proportionally decided seats, for a total of 120 seats in the lower house. The composition of the upper house was not affected by the

legislation. The Independent Electoral Commission (IEC) is preparing for elections that are expected to occur sometime before June 2002. Countrywide voter registration was held between August 13 and September 30 to prepare an updated voters' roll. The Government welcomed independent observers during this process, which was carried out in an orderly, peaceful, and lawful manner. The March parliamentary elections were postponed by an agreement between all political parties, and the elections were scheduled for May 2002. Early in the year, the political parties were unable to agree on a new election law, including the composition of a new Parliament. In December those issues were resolved and Parliament passed a new electoral bill after lengthy and intense negotiations.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no legal impediments to women's participation in government or politics. There are 8 women in the 80-member National Assembly, and there are 7 women in the 33-member Senate. Two women are government ministers, one the Minister of Environment, Women, and Youth Affairs and the other the Minister of Health and Social Welfare. In 1999 the Parliament unanimously elected the first female Speaker of the National Assembly, who still continued to be the Speaker at year's end.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

#### Section 5 Discrimination Based on Race, Sex, Religion, Language, Disability, or Social Status

The Constitution prohibits discrimination based on race, color, sex, language, religion, political or other opinion, national or social origin, birth, or other status, and the Government generally respected these prohibitions in practice; however, the Constitution also recognizes customary law as a parallel legal system, and women's inheritance and property rights are restricted severely under the traditional chieftainship system.

##### Women

Domestic violence against women occurs frequently, and, although dependable statistics were not available, it was believed to be widespread. In Basotho tradition, a wife may return to her "maiden home" if physically abused by her husband. Under common law, wife beating is a criminal offense and defined as assault; however, few domestic violence cases were brought to trial. Beatings and violence against women perpetrated by husbands or other male relatives occurred frequently; however, increasingly it was considered socially unacceptable behavior. A 1998 national conference on the empowerment of women noted that of 100 cases of human rights abuses, 90 involved women who were victims of domestic violence, rape, or sexual harassment.

The law prohibits rape, which is punishable by a minimum sentence of 5 years' imprisonment, with no option for a fine. The law also prohibits sexual harassment; however, in most cases, it was difficult to prove. Prostitution is illegal; however, it was difficult to police or prosecute, and it was a problem.

Both law and custom under the traditional chieftainship system severely limited the rights of women in areas such as property rights, inheritance, and contracts. Women have the legal and customary right to make a will and sue for divorce; however, under customary law, a married woman was considered a minor during the lifetime of her husband. She cannot enter into legally binding contracts, whether for employment, commerce, or education, without her husband's consent. A woman married under customary law has no standing in civil court and may not sue or be sued without her husband's permission. Government officials have criticized publicly this customary practice. The tradition of paying a bride price (lobola) is common. Polygyny was practiced by a very small percentage of the population.

Women's rights organizations have taken a leading role in educating women about their rights under customary and common law, highlighting the importance of women participating in the democratic process. In 1998 the Government created the Ministry of Environment, Gender, and Youth Affairs. The Ministry funded, with small financial grants and the use of facilities, efforts by women's groups to sensitize women and society in general to the status and rights of women.

##### Children

The Government has not addressed adequately children's rights and welfare, although it has devoted substantial resources to primary and secondary education. Education is not compulsory even at the primary

levels, and 25 percent of children do not attend school, particularly in rural areas where there are few schools, where children are involved in subsistence activities in support of their family's welfare, or where families cannot afford the costs associated with school attendance (for example, fees for the purchase of uniforms, books, and materials). The problem of school nonattendance affects boys disproportionately more than girls. In traditional rural Basotho society, livestock herding by young boys is a prerequisite to manhood in the community, and this frequently interferes with their school enrollment. The Government began implementation of a new program that provides free public education through the primary grades (1 through 6). The program commenced in all schools in the first grade during 2000, and it covered the costs of school fees, books, and one meal per day. Expansion of the program to the second grade occurred during the year, and the program is scheduled to expand to grade 3 in 2002.

There is no pattern of societal abuse against children. However, familial stress, poverty, the spread of HIV/AIDS, and divorce have led to a rise in child homelessness and abandonment, creating a growing number of street children.

Child prostitution is a problem. Young girls reportedly move to urban areas to work as prostitutes (see Section 6.d.).

Child labor is a problem (see Section 6.d.).

#### Persons with Disabilities

Discrimination against persons with physical disabilities in employment, education, or provision of other government services is unlawful; however, societal discrimination is common. The Government has not legislated or mandated accessibility to public buildings for persons with disabilities.

#### Religious Minorities

Christianity, specifically Roman Catholicism, is the predominant religion. Approximately 90 percent of the population are Christian, and 70 percent of the Christians are Catholic. Muslims, members of other non-Christian religions, and atheists constitute the remaining 10 percent. Christians are scattered throughout the country, while Muslims are found mainly in the northeastern part of the country.

There generally was mutual understanding and cooperation between Christians and Muslims. Although there were some tensions between Christians and Muslims in previous years, there were no reports of such tensions during the year.

#### National/Racial/Ethnic Minorities

Most citizens speak a common language and share common historical and cultural traditions. Small numbers of Asians (primarily ethnic Chinese and Indians) and South African whites are active in the country's commercial life. Economic and racial tension between the Chinese business community and the Basotho remained a problem. In past years, civil unrest and riots targeted persons of Asian descent; however, there were no similar incidents reported during the year.

#### Section 6 Worker Rights

##### a. The Right of Association

Under the law, workers have the right to join or form unions without prior government authorization. The Labor Code prohibits civil servants from joining or forming unions. The Government regards all work by civil servants as essential. The law prohibits public employees from becoming members of trade unions established under the Labor Code; however, the law allows them to form staff associations. At the request of the International Labor Organization (ILO), at year's end, the Government was reviewing the law in order to address concerns related to freedom of association without compromising the Government's responsibility to provide essential services.

Under the Labor Code, prepared with the assistance of the ILO, all trade union federations must register with the Government. There are 38 trade unions and employee organizations registered with the Registrar of Trade Unions. There are three small trade union federations that rarely cooperate with one another: the Lesotho Trade Union Congress; the Lesotho Federation of Democratic Unions; and the Congress of Lesotho Trade Unions. Unions are not affiliated formally with or tied to political parties.

The labor and trade union movement was very weak and fragmented. There are several small unions in the public and industrial sectors, but there was no unified trade union congress. There were cases of unions competitively organizing small numbers of workers in the same sector.

Overall unionized workers represent only approximately 10 percent of the work force. Consequently efforts toward collective bargaining and tripartite policymaking were not amenable to strong trade union influences (see Section 6.b.). Approximately 13 percent of the male labor force works in the gold and coal mines of South Africa, and the majority of those who do not are engaged primarily in traditional agriculture. A majority of Basotho mine workers were members of the South African National Union of Mineworkers (NUM); however, as a foreign organization, the NUM is not allowed to engage in union activities in the country.

There was credible evidence that some employers prevented union organizers from access to factory premises to organize workers or to represent them in disputes with owners or managers. There were reports that some employers harassed union organizers, intimidated members, and frequently fired union activists. The Commission of Labor, which operates as part of the Labor Ministry, is charged with investigating allegations of labor law violations (see Section 6.e.).

The law provides for the right to strike; however, no legally authorized strike has occurred since independence in 1966. Because civil servants generally are not allowed to strike, all public sector industrial actions are, by definition, unauthorized. In the private sector, the Labor Code requires an escalating series of procedures to be followed by workers and employers before strike action is authorized. In past years, some small unions and their members have undertaken wildcat strikes or spontaneous industrial actions without following the procedures for dispute resolution; however, there were no reported strikes during the year. Legal protection for strikers from retribution has not been enforced always in cases of illegal strikes. There were no violent strike-related incidents during the year. In October the textile workers' union called for a general strike to force a larger increase in the minimum wage, even though they recently had negotiated an even greater increase in their members' pay (see Section 6.e.). The strike was called off after discussions with the employers' federation.

There were no instances of governmental restrictions on international affiliations or contacts by unions or their members.

#### b. The Right to Organize and Bargain Collectively

In principle all legally recognized trade unions enjoy the right to organize and bargain collectively, and the Government generally respected these rights; however, some employers tried to restrict these rights in practice. Employers usually are cooperative; however, some employees are threatened with expulsion and loss of employment if they join unions. There was credible evidence that some employers in the textile and garment sector used blacklists to deny employment to workers who have been fired by another employer within that sector. There were reports that some employers harassed union organizers. Although there was some collective bargaining between unions and employers to set wage and benefit rates, employers generally continued to set wage rates through unilateral action. Employee grievances reportedly were handled promptly by the Labor Commission, and there were no significant backlogs of cases during the year.

The Labor Code was amended in May 2000 to establish a Directorate of Dispute Prevention and Resolution within the Ministry of Employment and Labor. The Directorate received funding and became fully operational during the year.

There are no export processing zones, and no industrial zones that legally are different from other parts of the country.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, and there were no reports that such practices occurred. In June the Government conveyed its ratification of Convention 105 concerning the prohibition of forced or compulsory labor to the ILO.

The Government prohibits forced and bonded labor by children, and there were no reports that such practices occur.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for employment in commercial or industrial enterprises is 15 years, and legal minimum age for hazardous employment is 18 years; however, children under 14 years of age reportedly are employed in family-owned businesses. Young girls reportedly move to urban areas to work as domestic workers and prostitutes, while many urban street children work in the informal sector. Most of the jobs in which children find themselves are gender-specific: boys (as young as ages 4 and 5) are livestock herders; girls are domestic servants; boys carry packages for shoppers, wash cars, and collect fares for minibus taxis; teenage girls (and a few boys) are involved in prostitution (see Section 5); and both boys and girls work as street vendors. Although there were allegations of child labor in the textile and garment sector, investigations by UNICEF, the ILO, and the Labor Commission found no evidence to support the charges.

There are statutory prohibitions against the employment of minors in commercial, industrial, or nonfamily enterprises involving hazardous or dangerous working conditions, and although enforcement of prohibitions was very lax in previous years, the Ministry of Labor and Employment's Inspectorate was staffed adequately and conducted quarterly inspections during the year. Children under 18 years of age may not be recruited for employment outside of the country. In traditional society, rigorous and occasionally dangerous working conditions for the country's young livestock, herdboys are considered a prerequisite to manhood, essential to the livelihood of families, and a fundamental feature of local culture beyond the reach of labor laws. The emphasis on traditional socialization methods to the exclusion of formal education continues the cycle of poverty for most youth. Child labor laws cover all sectors except for the agricultural sector.

In June the Government conveyed its ratification to the ILO of ILO Convention 138, concerning the minimum age for admission to employment and ILO Convention 182 concerning the worst forms of child labor.

The Government prohibits forced and bonded labor by children, and such practices are not known to occur.

#### e. Acceptable Conditions of Work

In general wages are low. A national minimum wage is determined annually by the Wage Advisory Board, a tripartite entity, consisting of Government, trade unions, and employers. The monthly minimum wage for unskilled laborers is \$73 (589 maloti), and \$127 (1,024 maloti) for heavy vehicle operators. Minimum wages for workers in lower skilled jobs were insufficient to ensure a decent standard of living for a worker and family. Most wage earners supplement their income through subsistence agriculture or remittances from relatives employed in South Africa. Many private employers paid more than minimum wages to attract and retain motivated employees. However, there also is reason to believe that some employers, especially in export sectors, treated the minimum wage as a maximum wage. This situation was made possible by the high levels of unemployment and underemployment, which provide a large pool of surplus unskilled labor that bid down wage rates and threatened job security for workers who made demands for better wages and conditions of work.

The Labor Code provides for basic worker rights, including a maximum 45-hour workweek, a weekly rest period of at least 24 hours, 12 days of paid leave per year, and paid sick and public holidays; however, employers did not always respect these rights in practice. A survey undertaken in March revealed that most factories compelled workers to work on Saturdays, which are considered legally to be days of rest; however, by year's end, the practice of compelling Saturday employment largely had ceased.

There were allegations early in the year that some companies paid below minimum wage, enforced long hours sometimes by locking in workers, and deducted wages when employees were found talking or taking more than one break a day. Some employers allegedly refused sick-pay leave and engaged in unfair dismissal practices. By year's end, a combination of rulings by the Labor Commission and inspections by both buyers' representatives and the Labor Department had ended the complaints.

Although the Labor Court has only one judge, progress has been made in clearing the backlog; during the year, the court heard cases brought in 1999 and 2000. Postponements sought by the workers' legal representatives account for most of the delays. The Labor Commission is staffed adequately and handled most complaints within a 1-month period; it cooperated closely with the ILO in establishing inspection regimes. Labor inspectors generally conducted unannounced inspections in factories four times per year. The Labor Commission is authorized to order the reinstatement of wrongfully dismissed employees and the payment of back wages, but it does not have the authority to impose criminal fines.

The Labor Code requires employers to provide adequate light, ventilation, and sanitary facilities for employees and to install and maintain machinery in a manner designed to minimize the risk of injury, and in practice employers generally follow these regulations. The law provides for a compensation system for industrial injuries and diseases arising out of and in the course of employment. The Labor Code also empowers the Minister of Labor to make regulations pertaining to work safety in specific areas. There are regulations in force



concerning welding and cutting, noise, and spray painting. Regulations on construction and chemical safety are being promulgated. The Labor Code does not protect explicitly the right of workers to remove themselves from hazardous situations without prejudice to employment; however, Labor Code sections on safety in the workplace and dismissal implied that dismissal in such circumstances would be illegal. The Labor Code protects both legal and illegal foreign workers, unless the workers signed contracts that specify differently.

f. Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

There was a report that illegal immigrant smugglers, primarily from South and East Asia, continued to take advantage of the country's undersupervised borders to pass persons temporarily through the country to transportation hubs in South Africa for onward movement to Europe and North America. There was no clear evidence that these movements included women or children, or that these organizations were recruiting or transporting persons illegally for involuntary servitude, slavery, or forced or bonded labor. It was suspected that most of the persons who are moved by these criminal organizations were primarily economic immigrants seeking employment in other countries. There were no reports or evidence of forced or bonded labor or servitude in the country resulting from these activities.

The Government took no specific action to address trafficking in persons during the year.